

FIFTH DAY - JANUARY 13, 2004
LEGISLATIVE JOURNAL
NINETY-EIGHTH LEGISLATURE
SECOND SESSION

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
 Tuesday, January 13, 2004

PRAYER

The prayer was offered by Pastor Gerry Sickler, Christ Unity Church, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:15 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senator Hudkins who was excused; and Senators Beutler, Bromm, Jensen, Jones, Loudon, McDonald, Mines, D. Pederson, Price, Stuhr, and Synowiecki who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourth day was approved.

NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems
 Room 1525

Tuesday, January 20, 2004	12:15 p.m.
Gail Werner-Robertson - Nebraska Investment Council	
Roger Rea - Public Employees Retirement Board	

LB 961	Tuesday, January 20, 2004	12:15 p.m.
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(Signed) Elaine Stuhr, Chairperson

GENERAL FILE

LEGISLATIVE BILL 810. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 811. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 812. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 813. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 172. Senator Chambers withdrew his pending motion, found on page 212, to reconsider the vote on AM1401.

Senator Chambers offered the following motion:
Bracket until April 14, 2004.

SPEAKER BROMM PRESIDING

Senator Foley offered the following motion:
Invoke cloture on LB 172.

Senator Foley moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Foley requested a roll call vote on his motion to invoke cloture.

Voting in the affirmative, 38:

Aguilar	Connealy	Johnson	Mossey	Stuhr
Baker	Cudaback	Jones	Pedersen, Dw.	Stuthman
Beutler	Cunningham	Kremer	Preister	Synowiecki
Brashear	Engel	Kruse	Quandahl	Tyson
Bromm	Erdman	Louden	Raikes	Vrtiska
Burling	Foley	Maxwell	Redfield	Wehrbein
Byars	Friend	McDonald	Schrock	
Combs	Hartnett	Mines	Smith	

Voting in the negative, 8:

Bourne	Chambers	Pederson, D.	Schimek
Brown	Landis	Price	Thompson

Excused and not voting, 3:

Hudkins	Janssen	Jensen
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The Foley motion to invoke cloture prevailed with 38 ayes, 8 nays, and 3 excused and not voting.

Senator Chambers requested a roll call vote on his motion to bracket.

Voting in the affirmative, 2:

Chambers	Schimek
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Voting in the negative, 40:

Aguilar	Combs	Hartnett	Mossey	Smith
Baker	Connealy	Jones	Pedersen, Dw.	Stuhr
Beutler	Cudaback	Kremer	Preister	Stuthman
Brashear	Cunningham	Landis	Price	Synowiecki
Bromm	Engel	Louden	Quandahl	Thompson
Brown	Erdman	Maxwell	Raikes	Tyson
Burling	Foley	McDonald	Redfield	Vrtiska
Byars	Friend	Mines	Schrock	Wehrbein

Present and not voting, 4:

Bourne	Johnson	Kruse	Pederson, D.
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Excused and not voting, 3:

Hudkins	Janssen	Jensen
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The Chambers motion to bracket failed with 2 ayes, 40 nays, 4 present and not voting, and 3 excused and not voting.

Senator Chambers requested a roll call vote on the Schimek amendment, AM2066, found on page 190.

Voting in the affirmative, 4:

Chambers	Landis	Price	Schimek
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Voting in the negative, 32:

Aguilar	Cudaback	Jones	Quandahl	Synowiecki
Baker	Cunningham	Kremer	Raikes	Tyson
Brashear	Engel	Maxwell	Redfield	Vrtiska
Bromm	Erdman	Mines	Schrock	Wehrbein
Burling	Foley	Mossey	Smith	
Byars	Friend	Pedersen, Dw.	Stuhr	
Combs	Jensen	Preister	Stuthman	

Present and not voting, 11:

Beutler	Connealy	Kruse	Pederson, D.
Bourne	Hartnett	Louden	Thompson
Brown	Johnson	McDonald	

Excused and not voting, 2:

Hudkins	Janssen
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The Schimek amendment lost with 4 ayes, 32 nays, 11 present and not voting, and 2 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 38:

Aguilar	Connealy	Jensen	Mossey	Stuhr
Baker	Cudaback	Johnson	Pedersen, Dw.	Stuthman
Beutler	Cunningham	Jones	Preister	Synowiecki
Brashear	Engel	Kremer	Quandahl	Tyson
Bromm	Erdman	Louden	Raikes	Vrtiska
Burling	Foley	Maxwell	Redfield	Wehrbein
Byars	Friend	McDonald	Schrock	
Combs	Hartnett	Mines	Smith	

Voting in the negative, 4:

Chambers	Landis	Price	Schimek
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Present and not voting, 5:

Bourne	Brown	Kruse	Pederson, D.	Thompson
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Excused and not voting, 2:

Hudkins	Janssen
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Advanced to E & R for review with 38 ayes, 4 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1033. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Athletic Advisory Committee; to amend section 81-8,139.01, Reissue Revised Statutes of Nebraska; to change membership; and to repeal the original section.

LEGISLATIVE BILL 1034. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2101.03, Reissue Revised Statutes of Nebraska; to change the estate tax rate; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1035. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to court procedure; to amend section 25-2301.02, Revised Statutes Supplement, 2002; to change in forma pauperis proceedings provisions; and to repeal the original section.

LEGISLATIVE BILL 1036. Introduced by Thompson, 14; Engel, 17; Jensen, 20; Schrock, 38.

A BILL FOR AN ACT relating to organ and tissue donation; to amend sections 60-493, 60-494, and 60-2907, Revised Statutes Supplement, 2002, and sections 60-484, 60-4,144, and 60-4,181, Revised Statutes Supplement, 2003; to provide for a Nebraska Organ and Tissue Donor Registry; to authorize the Department of Motor Vehicles to transfer certain motor vehicle operator's license and state identification card information; to change provisions relating to donor notations on licenses and cards; to create an advisory board; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1037. Introduced by Cunningham, 40; Connealy, 16; Stuthman, 22; Vrtiska, 1.

A BILL FOR AN ACT relating to biodiesel; to provide funds to school districts using biodiesel blend; and to provide duties for the Department of Agriculture.

LEGISLATIVE BILL 1038. Introduced by McDonald, 41.

A BILL FOR AN ACT relating to state identification cards; to amend sections 60-490, 60-4,115, 60-4,122, and 60-4,180, Revised Statutes Supplement, 2002, and section 60-4,181, Revised Statutes Supplement, 2003; to provide for state identification cards identifying persons with disabilities; to change fees; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1039. Introduced by Cudaback, 36; Johnson, 37; Schrock, 38; Vrtiska, 1.

A BILL FOR AN ACT relating to motor vehicle registration; to amend

section 60-311.15, Reissue Revised Statutes of Nebraska; to change provisions relating to historical vehicles; and to repeal the original section.

LEGISLATIVE BILL 1040. Introduced by Bromm, 23; Baker, 44.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,132, Reissue Revised Statutes of Nebraska; to change distribution of certain sales tax proceeds; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 219CA. Introduced by Beutler, 28; Hartnett, 45; Preister, 5.

THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2004 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 31 to Article III and repeal Article III, section 12:

III-31 "(1) Members of the Legislature may be removed from office by recall pursuant to this section.

(2) A petition demanding that the question of removing a member of the Legislature be submitted to the registered voters of that legislative district shall be signed by registered voters equal in number to at least twenty-five percent of the total vote cast for that office in the last general election at which that office was filled. Only registered voters of such member's legislative district as it exists when the petitions are circulated may sign a recall petition. The Secretary of State shall notify the principal circulator that the necessary signatures must be gathered within ninety days after the date of issuing the petition papers.

(3) A recall petition may be filed against a member of the Legislature who has served more than two consecutive terms of office but not within one hundred twenty days after the beginning of any third or subsequent consecutive term of office or within two hundred days prior to the end of any third or subsequent consecutive term of office. No recall petition shall be filed against a member of the Legislature during the same term of office in which a recall election has failed to remove him or her from office.

(4) If the recall petition is found to be sufficient, the Secretary of State shall notify the member and the Clerk of the Legislature that sufficient signatures have been gathered. If the member does not resign within five days after receiving the notice, the Secretary of State shall order an election to be held not less than thirty nor more than forty-five days after the expiration of the five-day period, except that if any other election is to be held in that district within ninety days after the expiration of the five-day period, the Secretary of State may provide for the holding of the removal election on the same day. After the Secretary of State sets the date for the recall election, the recall election shall be held regardless of whether the official whose removal is sought resigns before the recall election is held.

(5) If a majority of the votes cast at a recall election are against the removal of the member or the election results in a tie, the member shall continue in office for the remainder of his or her term and shall not be subject to further recall attempts during such term. If a majority of the votes cast at a recall election are for the removal of the official named on the ballot, he or she shall, regardless of any technical defects in the recall petition, be deemed removed from office unless a recount is ordered. If the official is deemed removed, the vacancy shall be filled as provided by law.

(6) No member who is removed from office as a result of a recall election or who resigns after the initiation of the recall process shall be appointed to fill a vacancy resulting from his or her resignation or the resignation or removal of any other member of the Legislature or be eligible for election to the Legislature during the remainder of the term of the office from which the member was removed."

"Article III, section 12, of the Constitution of Nebraska is repealed."

Sec. 2. The proposed amendments shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to provide for recall of state legislators and to repeal term limits for state legislators.

For

Against".

Referred to the Reference Committee.

GENERAL FILE

LEGISLATIVE RESOLUTION 4CA. Senator Chambers renewed his pending amendment, FA1167, found on page 643, First Session, 2003.

SENATOR WEHRBEIN PRESIDING

Pending.

NOTICE OF COMMITTEE HEARING

Agriculture

Room 1524

Tuesday, January 20, 2004

1:30 p.m.

Francis Partsch - Nebraska State Fair Board

Donald Anthony - Beginning Farmer Board

Bert Garvin - Beginning Farmer Board

LB 835 Tuesday, January 20, 2004

1:30 p.m.

LB 836 Tuesday, January 20, 2004

1:30 p.m.

LB 837 Tuesday, January 20, 2004

1:30 p.m.

(Signed) Bob Kremer, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1041. Introduced by Bourne, 8; Cunningham, 40; Preister, 5; Stuthman, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.16 and 77-2704.14, Reissue Revised Statutes of Nebraska; to redefine terms; to change provisions relating to sales and use tax exemption; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1042. Introduced by Jones, 43; Baker, 44; Bromm, 23; Burling, 33; Cunningham, 40; Erdman, 47; Friend, 10; Kremer, 34; Loudon, 49; Stuhr, 24; Stuthman, 22; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to cities of the second class and villages; to amend section 17-537, Reissue Revised Statutes of Nebraska; to provide duties relating to the extension of jurisdiction for purposes of protecting the water supply; and to repeal the original section.

LEGISLATIVE BILL 1043. Introduced by Baker, 44.

A BILL FOR AN ACT relating to cities and villages; to amend sections 13-608, 17-208, 17-213, and 81-1407, Reissue Revised Statutes of Nebraska, and sections 19-3801 and 81-1401, Revised Statutes Supplement, 2002; to require county sheriffs to provide police services in villages; to redefine terms; to provide and change powers and duties; to harmonize provisions; to repeal the original sections; and to outright repeal section 19-3802, Reissue Revised Statutes of Nebraska.

VISITORS

Visitors to the Chamber were 12 fourth-grade students, teacher, and sponsors from St. Joseph's Elementary School, York.

MOTION - Recess

Senator Jones moved to recess. The motion prevailed with 11 ayes, 2 nays, 24 present and not voting, and 12 excused and not voting, and at 11:51 a.m., the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senator Hudkins who was excused; and Senators Brown, Hartnett, Landis, Maxwell, Dw. Pedersen, Stuthman, Tyson, and Wehrbein who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB 993	Appropriations
LB 994	Transportation and Telecommunications
LB 995	General Affairs
LB 996	Health and Human Services
LB 997	Urban Affairs
LB 998	Judiciary
LB 999	Banking, Commerce and Insurance
LB 1000	Judiciary
LB 1001	Judiciary
LB 1002	Agriculture
LB 1003	Government, Military and Veterans Affairs
LB 1004	Transportation and Telecommunications
LB 1005	Health and Human Services
LB 1006	Education
LB 1007	Urban Affairs
LB 1008	Urban Affairs
LB 1009	Judiciary
LB 1010	Revenue
LB 1011	Revenue
LB 1012	Judiciary
LB 1013	Nebraska Retirement Systems
LB 1014	Transportation and Telecommunications
LB 1015	Revenue
LB 1016	Revenue
LB 1017	Revenue
LB 1018	Revenue
LB 1019	Revenue
LB 1020	Revenue
LB 1021	Appropriations
LB 1022	Transportation and Telecommunications
LB 1023	Judiciary
LB 1024	Transportation and Telecommunications
LB 1025	Revenue
LB 1026	Natural Resources
LB 1027	Health and Human Services
LB 1028	Judiciary

LB 1029 Revenue
 LB 1030 Nebraska Retirement Systems
 LB 1031 Judiciary
 LB 1032 Judiciary
 LR 211CA Executive Board

(Signed) Pat Engel, Chairperson
 Legislative Council, Executive Board

AMENDMENT - Print in Journal

Senator Schimek filed the following amendment to LB 75:
 AM2202

(Amendments to Standing Committee amendments, AM0425)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 23-1701.01, Reissue Revised Statutes
- 4 of Nebraska, is amended to read:
- 5 23-1701.01. (1) Each candidate for the office of sheriff
- 6 shall submit with the candidate filing form required by section
- 7 32-607 proof that he or she has:
- 8 (a) Successfully passed a background investigation
- 9 performed by the Nebraska Law Enforcement Training Center based on
- 10 a check of his or her criminal history record information
- 11 maintained by the Federal Bureau of Investigation through the
- 12 Nebraska State Patrol. The candidate shall apply for the
- 13 background investigation at least thirty days prior to the filing
- 14 deadline; and
- 15 (b) Received a minimum combined score on the reading
- 16 comprehension and English language portions of an adult basic
- 17 education examination designated by the Nebraska Law Enforcement
- 18 Training Center.
- 19 (2) Each sheriff shall attend the Nebraska Law
- 20 Enforcement Training Center and receive a certificate attesting to
- 21 satisfactory completion of the Sheriff's Certification Course
- 22 within eight months of taking office unless such sheriff has
- 23 already been awarded a certificate by the Nebraska Commission on
- 1 Law Enforcement and Criminal Justice attesting to satisfactory
- 2 completion of such course or unless such sheriff can demonstrate to
- 3 the Nebraska Police Standards Advisory Council that his or her
- 4 previous training and education is such that he or she will
- 5 professionally discharge the duties of the office. Any sheriff in
- 6 office prior to July 19, 1980, shall not be required to obtain a
- 7 certificate attesting to satisfactory completion of the Sheriff's
- 8 Certification Course but shall otherwise be subject to this
- 9 section. Each sheriff shall attend twenty hours of continuing
- 10 education in criminal justice and law enforcement courses approved
- 11 by the council each year following the first year of such sheriff's
- 12 term of office. Such continuing education shall be offered through

13 seminars, advanced education which may include college or
 14 university classes, or conferences and shall be of a type which has
 15 application to and seeks to maintain and improve the skills of the
 16 sheriffs in carrying out the responsibilities of their office.

17 ~~(2)~~ (3) Unless a sheriff is able to show good cause for
 18 not complying with subsection ~~(1)~~ (2) of this section or obtains a
 19 waiver of the training requirements from the council, any sheriff
 20 who violates subsection ~~(1)~~ (2) of this section shall be punished
 21 by a fine equal to such sheriff's monthly salary. Each month in
 22 which such violation occurs shall constitute a separate offense.

23 Sec. 2. Original section 23-1701.01, Reissue Revised
 24 Statutes of Nebraska, is repealed."

GENERAL FILE

LEGISLATIVE RESOLUTION 4CA. The Chambers pending amendment, FA1167, found on page 643, First Session, 2003, and considered in this day's Journal, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 2:

Chambers Hartnett

Voting in the negative, 23:

Baker	Erdman	Jones	Quandahl	Thompson
Burling	Friend	Kremer	Schrock	Tyson
Combs	Janssen	Landis	Smith	Wehrbein
Connealy	Jensen	Mossey	Stuhr	
Cunningham	Johnson	Pedersen, Dw.	Synowiecki	

Present and not voting, 20:

Aguilar	Bromm	Foley	McDonald	Price
Beutler	Brown	Kruse	Mines	Raikes
Bourne	Byars	Louden	Pederson, D.	Schimek
Brashear	Cudaback	Maxwell	Preister	Vrtiska

Absent and not voting, 1:

Redfield

Excused and not voting, 3:

Engel Hudkins Stuthman

The Chambers amendment lost with 2 ayes, 23 nays, 20 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1044. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to condemnation; to amend section 76-701, Reissue Revised Statutes of Nebraska; to authorize a notice and provide duties for landowners and tenants; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original section.

LEGISLATIVE BILL 1045. Introduced by Smith, 48.

A BILL FOR AN ACT relating to the Nebraska Pure Food Act; to amend sections 81-2,239, 81-2,240, 81-2,245.01, 81-2,267, 81-2,270, 81-2,272, 81-2,272.28, and 81-2,272.31, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide for single event food vendors; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1046. Introduced by Combs, 32; Baker, 44; Burling, 33; Cudaback, 36; Engel, 17; Erdman, 47; Foley, 29; Janssen, 15; Jones, 43; Kruse, 13; Dw. Pedersen, 39; D. Pederson, 42; Price, 26; Quandahl, 31; Redfield, 12; Schrock, 38; Smith, 48; Stuhr, 24; Synowiecki, 7; Vrtiska, 1.

A BILL FOR AN ACT relating to civil procedure; to provide a limitation of liability for certain food claims.

LEGISLATIVE BILL 1047. Introduced by Banking, Commerce and Insurance Committee: Quandahl, 31, Chairperson; Foley, 29; Jensen, 20; Johnson, 37; Loudon, 49; Mines, 18; Redfield, 12; Tyson, 19.

A BILL FOR AN ACT relating to insurance; to amend sections 44-407.11, 44-407.13, 44-407.16, 44-407.23, 44-2403, and 44-4809, Reissue Revised Statutes of Nebraska, sections 44-4201, 44-4203, 44-4221, and 44-4228, Revised Statutes Supplement, 2002, and section 44-407.14, Revised Statutes Supplement, 2003; to change provisions relating to annuity contracts, reserves, definitions, the Comprehensive Health Insurance Pool, rehabilitation, and liquidation; to eliminate a provision dealing with minimum nonforfeiture amounts; to repeal the original sections; and to outright repeal section 44-407.15, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1048. Introduced by Raikes, 25; Baker, 44; Beutler, 28; Bourne, 8; Brown, 6; Engel, 17; Hartnett, 45; Janssen, 15; Jensen, 20; Mines, 18; Price, 26; Redfield, 12; Stuhr, 24; Synowiecki, 7; Wehrbein, 2.

A BILL FOR AN ACT relating to schools; to amend sections 32-542, 79-102, 79-401, 79-402, 79-403, 79-405, 79-407, 79-408, 79-409, 79-410, 79-413, 79-415, 76-416, 79-418, 79-419, 79-422, 79-433, 79-434, 79-443, 79-447, 79-449, 79-452, 79-454, 79-455, 79-470, 79-473, 79-479, 79-499, 79-4,101, 79-4,111, 79-556, 79-611, 79-850, 79-1003, 79-1016, 79-1022, 79-1026, 79-1027, 79-1028, 79-1031.01, and 79-1083.02, Reissue Revised Statutes of Nebraska; to provide for reorganization of certain school districts as prescribed; to change and eliminate provisions relating to school district reorganization; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 79-404, 79-406, 79-411, 79-417, 79-424 to 79-427, 79-431, 79-472, 79-477, 79-478, 79-492 to 79-495, 79-4,109, and 79-4,110, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1049. Introduced by Cunningham, 40; Baker, 44; Bromm, 23; Brown, 6; Burling, 33; Byars, 30; Combs, 32; Cudaback, 36; Engel, 17; Erdman, 47; Friend, 10; Jensen, 20; Jones, 43; Kremer, 34; Kruse, 13; Loudon, 49; McDonald, 41; Mines, 18; Mossey, 3; D. Pederson, 42; Price, 26; Quandahl, 31; Redfield, 12; Schrock, 38; Smith, 48; Stuhr, 24; Tyson, 19; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to employment security law; to amend section 48-628, Revised Statutes Supplement, 2002; to change provisions relating to benefit disqualification; and to repeal the original section.

LEGISLATIVE BILL 1050. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to criminal law; to amend sections 28-929, 28-930, and 28-933, Reissue Revised Statutes of Nebraska, and sections 28-309, 28-931, 28-931.01, and 28-932, Revised Statutes Supplement, 2002; to change provisions relating to assault and related crimes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1051. Introduced by Wehrbein, 2; Jones, 43; Kremer, 34.

A BILL FOR AN ACT relating to agriculture; to state legislative intent to fund a statewide livestock market and pricing data service.

GENERAL FILE

LEGISLATIVE RESOLUTION 4CA. Senator Chambers renewed his pending amendment, FA1169, found on page 643, First Session, 2003.

Senator Chambers offered the following amendment to his pending

amendment:

FA1402

Amend FA1169

After "frivolous" insert "and silly"

SENATOR HARTNETT PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

The Chambers amendment lost with 1 aye, 22 nays, 18 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1052. Introduced by Price, 26.

A BILL FOR AN ACT relating to fire protection districts; to amend section 35-514, Reissue Revised Statutes of Nebraska; to change provisions relating to the payment of the outstanding obligations of annexed rural or suburban fire protection districts; and to repeal the original section.

LEGISLATIVE BILL 1053. Introduced by Quandahl, 31; Brown, 6; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to natural gas; to amend sections 14-2113, 14-2117, 14-2122, 18-409, 18-411, 66-1804, 66-1852, and 75-109.01, Reissue Revised Statutes of Nebraska, sections 13-2802 and 18-419, Revised Statutes Supplement, 2002, and section 16-6,109, Revised Statutes Supplement, 2003; to adopt the State Natural Gas Service Territory Act; to state intent; to change and eliminate provisions relating to the extension and enlargement of natural gas service areas; to provide powers and duties; to harmonize provisions; to repeal the original sections; and to outright repeal sections 57-1301 to 57-1307, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 1054. Introduced by Cunningham, 40; Byars, 30; Erdman, 47; Jensen, 20; Maxwell, 9.

A BILL FOR AN ACT relating to the Rural Health Systems and Professional Incentive Act; to amend sections 71-5651 to 71-5653, 71-5662, 71-5663, and 71-5666, Reissue Revised Statutes of Nebraska; to provide for student loans for certain mental health students; to restate intent; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1055. Introduced by Brown, 6.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-401.01, Revised Statutes Supplement, 2002, and section 28-101, Revised Statutes Supplement, 2003; to require a chemical analysis fee from a convicted person as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1056. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to motor vehicle registration; to provide for Legion of Merit license plates.

LEGISLATIVE BILL 1057. Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to municipalities; to amend sections 16-669, 16-670, 19-2404, and 19-2405, Reissue Revised Statutes of Nebraska; to change provisions relating to assessments and bonds; and to repeal the original sections.

LEGISLATIVE BILL 1058. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-2404, 60-2406, and 60-2410, Reissue Revised Statutes of Nebraska; to change provisions relating to liens on and charges and liability for towing vehicles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1059. Introduced by Price, 26.

A BILL FOR AN ACT relating to support enforcement; to amend section 43-512.08, Reissue Revised Statutes of Nebraska; to change provisions relating to intervention in certain proceedings; and to repeal the original section.

LEGISLATIVE BILL 1060. Introduced by Cudaback, 36; Cunningham, 40; Mossey, 3; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2003; to prohibit the distribution, possession, or use of a theft detection shielding, deactivating, or removing device; to prohibit the removal of a theft detection device; to provide a penalty; to provide reasonable cause for the detention of a patron; to provide immunity as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1061. Introduced by Cudaback, 36; Mossey, 3.

A BILL FOR AN ACT relating to shoplifting; to amend section 25-21,194,

Reissue Revised Statutes of Nebraska; to provide liability for costs of recovering merchandise; to eliminate obsolete language; and to repeal the original section.

NOTICE OF COMMITTEE HEARINGS

Banking, Commerce and Insurance

Room 1507

LB 864	Tuesday, January 20, 2004	1:30 p.m.
LB 885	Tuesday, January 20, 2004	1:30 p.m.
LB 978	Tuesday, January 20, 2004	1:30 p.m.
LB 979	Tuesday, January 20, 2004	1:30 p.m.
LB 999	Tuesday, January 20, 2004	1:30 p.m.

(Signed) Mark Quandahl, Chairperson

Education

Room 1525

LB 815	Tuesday, January 20, 2004	1:30 p.m.
LB 868	Tuesday, January 20, 2004	1:30 p.m.
LB 917	Tuesday, January 20, 2004	1:30 p.m.
LB 934	Tuesday, January 20, 2004	1:30 p.m.

(Signed) Ron Raikes, Chairperson

Urban Affairs

Room 1510

LB 842	Tuesday, January 20, 2004	1:30 p.m.
LB 903	Tuesday, January 20, 2004	1:30 p.m.
LB 937	Tuesday, January 20, 2004	1:30 p.m.
LB 997	Tuesday, January 20, 2004	1:30 p.m.
LB 1007	Tuesday, January 20, 2004	1:30 p.m.
LB 1008	Tuesday, January 20, 2004	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 220. Introduced by Synowiecki, 7.

WHEREAS, Mr. William "Bill" Skarda, former state legislator from 1958-1976, passed away on June 24, 2003, survived by two daughters, Cheryl and Christine, four grandchildren, seven great-grandchildren, and wife, Dorothy, to whom he had been married for sixty years; and

WHEREAS, Mr. Skarda was born in Omaha, graduated from Omaha South High School, and was heavily involved in local community groups; and

WHEREAS, Mr. Skarda was honored by the Omaha Public Schools and the University of Nebraska for his contribution in the area of education; and

WHEREAS, Mr. Skarda was among a small group of key lawmakers in his seventeen years in the Nebraska Legislature and will be greatly missed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature expresses its condolences to the Skarda family.
2. That a copy of this resolution be sent to the family of William Skarda.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 37. No objections. So ordered.

Senator Mossey asked unanimous consent to have his name added as cointroducer to LB 172. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 382. No objections. So ordered.

Senator Preister asked unanimous consent to have his name added as cointroducer to LB 816. No objections. So ordered.

Senator McDonald asked unanimous consent to have her name added as cointroducer to LB 879. No objections. So ordered.

Senator Hartnett asked unanimous consent to have his name added as cointroducer to LB 934. No objections. So ordered.

Senator Foley asked unanimous consent to have his name added as cointroducer to LB 989. No objections. So ordered.

Senator Schimek asked unanimous consent to have her name added as cointroducer to LB 1026. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LR 209CA. No objections. So ordered.

ADJOURNMENT

At 3:56 p.m., on a motion by Senator Byars, the Legislature adjourned until 9:00 a.m., Wednesday, January 14, 2004.

Patrick J. O'Donnell
Clerk of the Legislature